



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

DEC 11 2002

Mr. Loren G. Helmreich
Browning Bushman P.C.
5718 Westheimer
Suite 1800
Houston, TX 77057-5771

Ref. No. 02-0236

Dear Mr. Helmreich:

This is in response to your August 29, 2002 letter regarding automatic shut off devices on cargo tanks under § 173.315 in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a shut off system that is certified by a Design Certified Engineer per § 173.315(n)(2)(ii) and installed in the hose must be installed under the supervision of a Registered Inspector as per § 173.315(n)(2)(iii).

The answer is yes. The device you describe requires modifications to a hose beyond regular operation as that term is used in § 173.315(n)(2)(iii). Therefore, the shutoff device must be installed under the supervision of a Registered Inspector. Once installed in the hose, however, the hose may be attached and unattached from the cargo tank without supervision.

I hope this satisfies your request.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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173.315

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INTELLECTUAL PROPERTY LAW
INCLUDING PATENT, TRADEMARK, COPYRIGHT LAW,
UNFAIR COMPETITION AND RELATED MATTERS

August 29, 2002

Mr. Edward T. Mazzulo
Director
Office of Hazardous Material Storage
U.S. DOT/RSTA/DHM10
400 7th Street Southwest
Washington, D.C. 20290

Re: Our File: PGI-114
Passive-R4 System

Dear Mr. Mazzulo:

We represent Precision International Limited (PGI), the manufacturer of a product marketed by Squibb Taylor as the Passive-R4 System. Attached is a one-page advertisement entitled Passive-R4 - A Look Inside, and another two-page sheet entitled Passive-R4-D.O.T. Hose Safety System.

Third parties have been advised by a competitor that customers that purchase the R4 System must have installation performed under the supervision of a Registered Inspector pursuant to Section 173.315(n) of the Regulations Governing Transportation and Unloading of Liquified Compressed Gas. We are convinced this representation is untrue, since the Passive-R4 System design is certified by a Design Certifying Engineer under Section 173.315(n)(2)(ii), and since the equipment is installed and removed as part of regular operation, e.g., a hose, it is thus exempted from the installation certification requirement of (iii). PGI has been manufacturing and selling this highly reliable system for over 4 months in full compliance with both the letter and the spirit of the Regulations.

Mr. Edward T. Mazzulo
August 29, 2002
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PGI requests that the Department of Transportation provide a letter indicating that the installation of the Passive-R4 System satisfies the requirements of Section 173.315(n)(2). Please advise if any further information or documentation is required.

Thank you for your cooperation.

Best regards,



Loren G. Helmreich

LGH/rt
Enclosures

cc: Spence Nimberger, PGI
Pat Hodges, Squibb Taylor (Via Fax No. (214) 357-5723)